

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

HENCE, JESSICA

Case No. 18-50728-MLO

Chapter 7

Hon. MARIA L. OXHOLM

Debtor

/

MOTION TO DISMISS

Stuart A. Gold, Trustee, requests this Honorable court enter an order dismissing the above entitled case (Exhibit A) and states as follows:

1. Pursuant to 11 U.S.C. §343 of the bankruptcy code, the debtor shall appear and be examined under oath by creditors.
2. Notice was given in compliance with 11 U.S.C. §342 setting the creditors' meeting for 09/06/2018, at 11:00 AM.
3. The debtor failed to appear as directed at the meeting of creditors on 09/06/2018, at 11:00 AM.
4. If the debtor opposes the motion or seeks a hearing, the debtor must file an objection or request for a hearing within fourteen (14) days from service of the motion.

WHEREFORE, Stuart A. Gold, Trustee, requests that this court enter an order, pursuant to 11 U.S.C. §707(a)(1), dismissing this case for unreasonable delay that is prejudicial to creditors.

Dated: September 11, 2018

BY: /s/ Stuart A. Gold

Stuart A. Gold, Chapter 7 Trustee

24901 Northwestern Hwy

Suite 444

Southfield, MI 48075

(248) 350-8220

trusteegold@glmpc.com

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**ORDER DISMISSING CASE FOR FAILURE OF
DEBTOR(S) TO APPEAR AT CREDITORS' MEETING**

The Chapter 7 Trustee filed a Motion to Dismiss the above entitled case based on debtor's failure to appear at creditors' meeting. No responses or objections were timely served. The court is fully advised of the facts;

IT IS ORDERED that the above-entitled case is dismissed without prejudice.

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**NOTICE OF TRUSTEE'S
MOTION TO DISMISS**

Stuart A. Gold, Trustee, filed a Motion to Dismiss.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, within 14 days, you or your attorney must:

1. File with the court a written objection or request of a hearing, explaining your position, at:

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

Stuart A. Gold, Trustee
24901 Northwestern Hwy , Suite 444
Southfield, MI 48075

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: September 11, 2018

/s/ Stuart A. Gold

Stuart A. Gold, Chapter 7 Trustee
24901 Northwestern Hwy
Suite 444
Southfield, MI 48075
(248) 350-8220
trusteegold@glmpc.com

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**PROOF OF ORAL NOTICE OF TRUSTEE'S
INTENT TO FILE MOTION TO DISMISS**

Stuart A. Gold, Trustee, being duly sworn, deposes and states the following:

1. The debtor failed to appear at the 11 U.S.C. §341 meeting of creditors on 09/06/2018 at 11:00 AM.
2. The Trustee made the following announcements at the meeting of creditors:
 - a. That the Trustee is filing a motion to dismiss the case for the debtor(s) failure to attend the meeting;
 - b. That if a creditor opposes the motion or seeks a hearing, the creditor must file and serve on the Trustee an objection or request for a hearing within fourteen (14) days from the meeting date; and
 - c. That if an objection or request for a hearing is not timely filed and served, the court may enter an order dismissing the case without a hearing.

/s/ Stuart A. Gold

Stuart A. Gold, Chapter 7 Trustee
24901 Northwestern Hwy
Suite 444
Southfield, MI 48075
(248) 350-8220
trusteegold@glmpc.com

Subscribed and sworn to before me
this 11th day of September, 2018

/s/ Denise M. White
Denise M. White, Notary Public
Wayne County, MI, Acting in Oakland County
My commission expires: 10/13/2020

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2018, I electronically filed Motion to Dismiss, Proof of Oral Notice of Trustee's Intent to File Motion to Dismiss, Notice of Trustee's Motion to Dismiss, and a Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Office of the U.S. Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Sheena L. Majors
MAJORS LAW CENTER, PLLC
17380 Livernois Ave, Suite 100w,
Detroit, MI 48221

and I also hereby certify that I have mailed by First Class Mail with the United States Postal Service Motion to Dismiss, Proof of Oral Notice of Trustee's Intent to File Motion to Dismiss, Notice of Trustee's Motion to Dismiss, and a Certificate of Service to the following non-ECF participants:

HENCE, JESSICA
18175 JEANETTE
SOUTHFIELD, MI 48075

/s/ Denise White
Denise White for
Gold, Lange & Majoros, P.C.
24901 Northwestern Hwy., Suite 444
Southfield, MI 48075
Phone: (248) 350-8220